



EJW
PATENT
Customer No. 22,852
Attorney Docket No. 05725.1213-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Nadia GARDEL et al.) Group Art Unit: 1617
Application No.: 10/603,698) Examiner: L.M. Williams
Filed: June 26, 2003) Confirmation No.: 8001
For: WATER-IN-EMULSION)
FOUNDATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Further to the Office Action mailed December 15, 2006, the period for reply being extended to January 16, 2007 (as January 15, 2007 was a holiday), please examine this application in view of the following remarks:

I. Status of Claims

Claims 1-99 are pending in this application. No claims have been added or amended by this Response.

II. Election of Species Requirement

In the previous Office Action (mailed July 3, 2006), the Examiner required restriction between groups I to VI as set forth therein. In a reply filed on October 3, 2006, Applicants elected, with traverse, Group IV, drawn to claims 1, 17-95 and 99. In the present Office Action, the Examiner requires a species election, asking Applicants to

choose a species from among the compounds of Formulas I-IV. *Office Action* p. 2.

According to the Examiner, "Formulas I-IV have a plurality of functional groups pendent," so a species election must be made in which Applicants "explicitly detail each functionality pendent upon the elected species including various R groups, PE groups, o, m, n, p, q, linker designations, etc..." *Office Action* pp. 2-3.

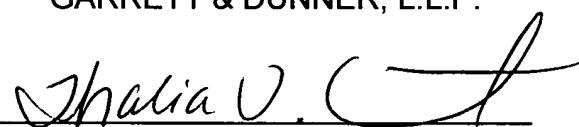
Applicants' previous election of Group IV already covers Formula (IV), and thus they do not believe a further election is necessary. Formula (IV) does not contain any of the variable functional groups referred to by the Examiner with respect to Formulas (I)-(III), but contains only the variables y and A', which are integers ranging from 10-20. Applicant's undersigned representative, Thalia V. Warnement, discussed this issue with the Examiner in a telephone conference on January 9, 2007, and the Examiner agreed that no further election of a specific compound of Formula (IV) is necessary since there are only two minor variables in this formula.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 16, 2007

By: 
Thalia V. Warnement
Reg. No. 39,064